



United States Department of Agriculture  
Food and Nutrition Service

Southeast Region

---

**Reply to**

**Attn. of:** SERO Policy

September 30, 2004

**Subject:** Policy Memorandum 210.10-40: Fluid Milk Provisions – Reauthorization 2004

**To:** All State Directors  
National School Lunch Program  
Southeast Region

This memorandum rescinds 210.10-03. Section 102 of the Child Nutrition and WIC Reauthorization Act of 2004 (Public Law 108-265) amended section 9(a)(2) of the Richard B. Russell National School Lunch Act (Russell) by removing (effective July 1, 2005) the requirement that schools participating in the National School Lunch Program (NSLP) offer students a variety of fluid milk consistent with prior year preferences. As amended, schools must offer fluid milk in a variety of fat contents and may offer flavored or unflavored milk and lactose-free fluid milk. This provision only applies to the NSLP as the School Breakfast Program and the Special Milk Program already have the flexibility to offer any type(s) of milk. The effective date allows school food authorities time to develop new procurement specifications for School Year 2005-06.

If you have further questions, please contact this office.

PEGGY FOUTS  
Regional Director  
Special Nutrition Programs

Ref: Issued by CND – SP#7 09/16/04